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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,697

Applicant(s)

MCCORMACK ET AL.

Examiner

Susan F. Rayyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 12, 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed July 12, 2007 have been fully considered but they are not persuasive.

Applicant argues, "Gagle teaches that a central network call monitor server is an essential component. Therefore, even though the individual contacts centers of Gagle can continue to operate separately when the queue monitor server fails, there is no ability for a subset of said contact centers to continue to load share as is possible in the system of the present invention when one of the contact centers fails at least in respect of its ability to notify other contact centers of changes in its stored contact objects and agent objects or changes its mode of operation to a non-sharing mode for a particular contact or a period of time etc."

In response to Applicants argument Gagle teaches that a central network call monitor server is an essential component, Examiner was unable to locate a reference to a central network call monitor server.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "contact centers to continue to load share", "notify other contact centers of changes in its stored contact objects and agent objects or changes its mode of operation to a non-sharing mode for a particular contact or a period of time etc.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicants that "even though the individual contacts centers of Gagle can continue to operate separately when the queue monitor server fails, there is no ability for a subset of said contact centers to continue to load share", the Examiner finds Gagle does teach this at column 5, lines 56-60, as if the queue server fails each of the respective call center server can continue receiving and processing calls on its respective server.

DETAILED ACTION

3. Claims 1-13 are pending. Claims 14-15 are canceled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,110,523 issued to Michael D. Gagle et al ("Gagle") in view of US Publication Number 2006/0123060 issued to Christopher J. Allen et al ("Allen").

As per independent claim 1, Gagle teaches:

A network comprising a plurality of contact centers each contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers (column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers (column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects), each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);

said plurality of contact centers being arranged to replicate and synchronize said contact objects (column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers) ... whereby the network comprising said plurality of contact centers does not require a central controller and said plurality of contact centers is further arranged such that , if there a fault or a change of mode of operation at one of said plurality of contact centers , remaining ones of said plurality of contact centers

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continue to replicate and synchronize said contact objects and agent objects at each of said remaining ones of said plurality of contact centers (column 1, lines 42-45, as another form includes several call center servers, and updating the call centers with details about each incoming call at the other call center servers and figure 3, ref.no. 122, call queue server, the call queue server is a distributor and not a controller and column 5, lines 56-60, if the queue server fails each of the respective call center server can continue receiving and processing calls on its respective server- in addition the queue monitor distributes to the remaining contact centers if a fault occurs at one of the contact centers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per claim 2, same as claim arguments above and Gagle teaches:

wherein each of said contact centers is arranged to receive incoming contacts directly at that contact center (column 7, lines 5-6 as incoming calls to the call center server 24A).

As per claim 3, same as claim arguments above and Gagle teaches:

wherein at least one of said contact centers is arranged to operate in a first mode and a second mode whereby in said first mode at least some incoming contacts received

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directly at that contact center are serviced only by said contact center (column 4, lines 5-34, as agent accepts a call) and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 4, same as claim arguments above and Gagle teaches:
wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 6, same as claim arguments above and Gagle teaches:
wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center such that when an agent becomes available at that contact center a contact is selected for that agent network-wide (column 5, lines 37-50 as allows call center servers to share queue information and share workload according to available agent resources and skills).

As per independent claim 7 Gagle teaches:

A contact center for use in a network of contact centers, said contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

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(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects) each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);

(iii) means for notifying changes in any of the said contact objects ... to other contact centers in the network of contact centers to there by replicate and synchronize said contact and agent objects with those at each of the other contact centers(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers); means arranged such that ,if there a fault or a change of mode of operation at another contact centers of said network of contact centers , the contact center is arranged to continue to replicate and synchronize said contact objects and agent objects with those at each of the other contact centers ... (column 1, lines 42-45,as another form includes several call center servers , and updating the call centers with details about each incoming call at the other call center servers and figure 3, ref.no. 122, call queue server, the call queue server is a distributor and not a controller and column 5, lines 56-60, if the queue server fails each of the respective call center server can continue receiving and processing calls on its respective server- in addition the queue monitor distributes to the remaining contact centers if a fault occurs at one of the contact centers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per independent claim 8 Gagle teaches:

A method of managing a contact in a network of contact centers center (column 1, lines 7-10, a plurality of contact centers) said method comprising:

(i) at each contact center in the network storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);
and (ii) at said each contact center storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects) each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);
and (iii) at said each contact center , notifying all other contact centers of any changes in contact objects and agent objects stored at said contact center to thereby replicate and synchronize said contact objects ... at each of the contact centers in the

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network(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers);

if there a fault or a change of mode of operation at one of said contact centers , continuing to replicate and synchronize said contact objects and agent objects at each of said remaining ones of said plurality of contact centers (column 1, lines 42-45,as another form includes several call center servers , and updating the call centers with details about each incoming call at the other call center servers and figure 3, ref.no. 122, call queue server, the call queue server is a distributor and not a controller and column 5, lines 56-60, if the queue server fails each of the respective call center server can continue receiving and processing calls on its respective server- in addition the queue monitor distributes to the remaining contact centers if a fault occurs at one of the contact centers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per claim 9, same as claim arguments above and Gagle teaches:

which further comprises receiving an incoming contact directly at any of said contact centers in the network(column 7, lines 5-6 as incoming to call center server 24A).

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As per claim 10, same as claim arguments above and Gagle teaches:

which comprises operating each contact center in a first mode and a second mode whereby in said first mode at least some incoming contacts received directly at that contact center are serviced only by said contact center (column 4, lines 5-34, as agent accepts a call);

and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 11, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 12, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the contact objects and the agent objects stored at that contact center such that when an agent becomes available at that contact center a contact is selected for that agent network-wide (column 5, lines 37-50 as allows call center servers to share queue information and share workload according to available agent resources and skills).

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As per independent claim 13 Gagle teaches:

A method of operating a contact center in a network of contact centers center (column 1, lines 7-10, a plurality of contact centers), said method comprising the steps of:

- (i) at said contact center storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);
 - (ii) at said contact center storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects) each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);
 - (iii) notifying all other contact centers of any changes in contact objects and agent objects to thereby replicate ... said contact objects and agent objects with those at each of the other contact centers(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers);
- if there a fault or a change of mode of operation at another contact centers of said network of contact centers , continuing to replicate and synchronize said contact objects and agent objects with those at each of the contact centers ... (column 1, lines 42-45,as another form includes several call center servers , and updating the call centers with details about each incoming call at the other call center servers and figure 3, ref.no. 122, call queue server, the call queue server is a distributor and not a controller and

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column 5, lines 56-60, if the queue server fails each of the respective call center server can continue receiving and processing calls on its respective server- in addition the queue monitor distributes to the remaining contact centers if a fault occurs at one of the contact centers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagle in view of Allen as applied to claims 1 above, and further in view US Patent 6,636,599 issued to David Mullen ("Mullen").

As per claim 5, same as claim arguments above and Gagle and Allen do not explicitly teach wherein said most suitable agent network-wide is a network longest-idle agent. Mullen does teach this limitation (column 5, lines 65 to column 6, line 3) to preclude disproportionate idle time to some agents . It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle and Allen with wherein said most suitable agent network-wide is a network longest-idle agent to preclude disproportionate idle time to some agents (column 6, lines 64-66).

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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9/11/2007


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